

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSCAR PEREZ-MARQUEZ,

Case No. 2:17-cv-01501-RFB-BNW

Petitioner,

DISMISSAL ORDER

v.

JO GENTRY, *et al.*,

Respondents.

Counseled Petitioner Oscar Perez-Marquez commenced this federal habeas action on May 25, 2017. ECF No. 1. Perez-Marquez filed his third-amended petition on October 19, 2021. ECF No. 106. Respondents moved to dismiss the third-amended petition, and in response, Perez-Marquez moved to stay this case to return to state court to exhaust his unexhausted claims. ECF Nos. 112, 115. Respondents filed a non-opposition to the motion for stay. ECF No. 117. On May 9, 2022, this Court granted the motion for stay, administratively closing this case. ECF No. 118. Perez-Marquez now moves to reopen this matter and to voluntarily dismiss his third-amended petition with prejudice. ECF No. 120. Perez-Marquez explains that he “has obtained a favorable outcome in his state court post-conviction proceedings and there is no more relief to grant in this matter.” *Id.* at 1. Based on Perez-Marquez’s representations, this Court finds that dismissal of this action with prejudice is warranted.

IT IS THEREFORE ORDERED that the Clerk of the Court is directed to reopen this matter and lift the stay.

IT IS FURTHER ORDERED that the Motion to Dismiss Proceedings with Prejudice (ECF No. 120) is granted. This matter is dismissed with prejudice.

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1 **IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**, as
2 reasonable jurists would not find the dismissal of the third-amended petition to be debatable or
3 wrong.

4 **IT IS FURTHER ORDERED** that the Clerk of the Court enter final judgment and re-
5 close this case.

6 **DATED:** April 16, 2024

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT